

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Tommy Mason Rosecrants Docket No. 2:11-00002-07

Petition for Action on Conditions of Pretrial Release

COMES NOW Burton Putman, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Tommy Mason Rosecrants who was placed under pretrial release supervision by the Honorable E. Clifton Knowles sitting in the Court at Nashville, on May 9, 2011, under the following conditions: Please reference the attached Order Setting Conditions of Release

Respectfully presenting petition for action of Court and for cause as follows:
Please reference page two of this document

I declare under penalty of perjury that the foregoing is true and correct.

Burton Putman, Supervisory Nashville, TN August 13, 2012
U.S. Pretrial Services Officer Place: Date:
Next Scheduled Court Event Sentencing Hearing September 4, 2012
Event Date

PETITIONING THE COURT

- No Action To issue an order setting a hearing on the petition
 To Issue a Warrant Other

THE COURT ORDERS:

- No Action
 The Issuance of a Warrant.
 Sealed Pending Warrant Execution
(cc: U.S. Probation and U.S. Marshals only)
 Other

A Hearing on the Petition is set for

Date Time

Considered and ordered this 20th day
of Aug., 2012, and ordered filed
and made a part of the records in the above
case.

Honorable Aleta A. Trauger
U.S. District Judge

Honorable Aleta A. Trauger
U.S. District Judge
Petition for Action on
Rosecrants, Tommy Mason
Case No. 2:11-CR-00002-07
August 13, 2012

On May 9, 2011, the defendant, Tommy Mason Rosecrants, was released by the Honorable E. Clifton Knowles to pretrial services supervision. Defendant Rosecrants continues to reside in the Western District of Pennsylvania. He is supervised by the U. S. Probation and Pretrial Services Office in Pittsburgh, Pennsylvania.

Special Conditions of Pretrial Release:

Please reference the attached Order Setting Conditions of Release.

VIOLATION(S):

Violation No. 1: Failure to refrain from the use or unlawful possession of a narcotic drug or other controlled substance:

On August 10, 2012, Pretrial Services received notice from the U. S. Probation and Pretrial Services Office in the Western District of Pennsylvania that the defendant, Tommy Mason Rosecrants, had again violated the conditions of his release. On August 4, 2012, defendant Rosecrants tested positive for marijuana. He admitted to the facilitating pretrial services officer that he had recently smoked marijuana.

Current Status of Case:

According to PACER, this case is set for sentencing on September 4, 2012, before Your Honor.

Probation Officer Action:

On December 13, 2011, the undersigned officer submitted a Petition for Action to U. S. Magistrate Judge E. Clifton Knowles due to the defendant testing positive for hydrocodone and cocaine on October 12, 2011. The defendant reportedly produced a valid prescription for the hydrocodone and admitted his illegal use of cocaine to his pretrial services officer in the Western District of Pennsylvania. Because the defendant was attending weekly outpatient mental health and substance abuse counseling sessions through the Dual Diagnosis Program at Stairways Behavioral Health in Erie, Pennsylvania, the pretrial services officer recommended Judge Knowles take no official action and that the defendant remain on bond and under pretrial services supervision. On December 14, 2011, Judge Knowles signed the Petition for Action taking no action.

On May 14, 2012, Pretrial Services received notice from the U.S. Probation and Pretrial Services Office in the Western District of Pennsylvania that the defendant had again violated the conditions of his release. Specifically, on April 25, 2012, he had tested positive for cocaine, and

Honorable Aleta A. Trauger
U.S. District Judge
Petition for Action on
Rosecrants, Tommy Mason
Case No. 2:11-CR-00002-07
August 13, 2012

on May 7, 2012, in Erie County, Pennsylvania, the defendant was charged with 1. Unauthorized Use of Automobiles and Other Vehicles; 2. Harrassment; and 3. Driving While Operating Privilege is Suspended or Revoked. According to the pretrial services officer in the Western District of Pennsylvania, the charges were dismissed on June 5, 2012, at the defendant's initial court appearance. The first two charges were filed against the defendant as some type of retaliation subsequent to a domestic squabble between the defendant's mother and her boyfriend. The suspended license charge was filed in error because the defendant's license was reinstated by the Tennessee Department of Safety on April 16, 2012. On May 15, 2012, a Petition for Action was submitted to Your Honor recommending that no official action be taken by the Court and that the defendant remain on pretrial services supervision. On May 16, 2012, the Court concurred and took no official action.

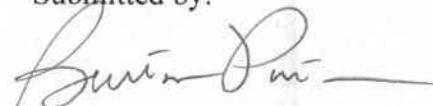
In response to the most recent positive urine sample on August 4, 2012, the pretrial services officer in the Western District of Pennsylvania issued a verbal reprimand to the defendant. That office has recommended that we again request that no official action be taken and that the defendant be allowed to remain on bond and under pretrial services supervision. He is still receiving outpatient counseling services at Stairway Behavioral Health Center in Erie, Pennsylvania, on a weekly basis.

Respectfully Petitioning the Court as Follows:

The defendant is to appear before the Court for sentencing on September 4, 2012. While Pretrial Services is not requesting immediate action from the Court, it is recommended that Your Honor consider taking the defendant into custody subsequent to his sentencing hearing on September 4, 2012. This is the third time the defendant has used illegal drugs while on pretrial release.

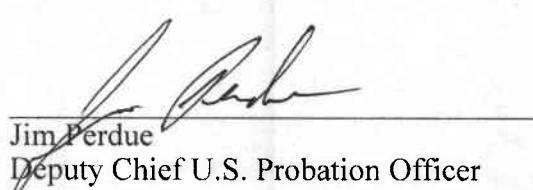
The U. S. Attorney's Office has been advised of this recommendation.

Submitted by:



W. Burton Putman
Supervisory U.S. Probation Officer

Reviewed and approved by:


Jim Perdue
Deputy Chief U.S. Probation Officer

Honorable Aleta A. Trauger
U.S. District Judge
Petition for Action on
Rosecrants, Tommy Mason
Case No. 2:11-CR-00002-07
August 13, 2012

xc: Alex Little, Assistant U.S. Attorney
Hershell D. Koger, Defense Counsel

UNITED STATES DISTRICT COURT

MIDDLE

District of

TENNESSEE

United States of America

V.

**ORDER SETTING CONDITIONS
OF RELEASE**TOMMY MASON ROSECRAINTS

Case Number: 2:11-00002-7

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- () The defendant promises to appear at all proceedings as required and to surrender
- () The defendant executes an unsecured bond binding the defendant to pay _____ dollar _____
in the event of a failure to appear as required or to surrender as directed for

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and state) _____ (Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy _____ Date _____

() (7) The defendant shall:

() (a) report to the U.S. Pretrial Services as directed telephone number (615) 736-5771, not later than _____

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

() (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described

() (d) execute a bail bond with solvent sureties in the amount of \$ _____

() (e) maintain or actively seek employment. *Verifiable*

() (f) maintain or commence an education program.

() (g) surrender any passport to: _____

() (h) obtain no passport.

() (i) abide by the following restrictions on personal association, place of abode, or travel: *Restricted to no travel w/o PA, and travel between without prior approval of Pretrial Services*

() (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: *CODEFENDANTS*

() (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____

() (l) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s):

() (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

() (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

() (o) refrain from () any () excessive use of alcohol.

() (p) refrain from use or unlawful possession of a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner, and of any such drugs as prescriber have been prescribed report *Pretrial Services*

() (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system; and/or any form of prohibited substance screening or testing.

() (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

() (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which required as a condition(s) of release.

() (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

() (i) Curfew. You are restricted to your residence every day from _____ to _____ or () as directed by the pretrial services office or supervising officer; or

() (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or

() (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

() (u) report as soon as possible to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop. *and within 48 hours,*

() (v) Shall permit Pretrial Services Officer to visit you at home or elsewhere at any time, and allow Pretrial Services Officer to confiscate any contraband in plain view.

() (w) *Reside with mother Ms. Debbie Rosecrants at 28 4th Ave., Union City, PA, 16438; 814-438-6350*

() (x) _____

Advice of Penalties and Sanctions**TO THE DEFENDANT:****YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of Defendant**Directions to United States Marshal**

- The defendant is ORDERED released after processing.
 The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: May 9, 2011
Signature of Judicial Officer**E. CLIFTON KNOWLES, U.S. MAGISTRATE JUDGE**
Name and Title of Judicial Officer

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL